

**UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA
Plaintiff

v.

Case Number 8:09cr404-001

USM Number: None

DAHLGREN CATTLE
Defendant

STEPHEN D. MOSSMAN
Defendant's Attorney

**JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)**

THE DEFENDANT pleaded guilty to count I of the Information on March 10, 2010.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense:

<u>Title, Section & Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number</u>
18:1361 MALICIOUS MISCHIEF TO GOVERNMENT PROPERTY	July 2007	I

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984 and *Booker/FanFan* decisions.

Following the imposition of sentence, the Court advised the defendant of the right to appeal pursuant to the provisions of Fed. R. Crim. P. 32 and the provisions of 18 U.S.C. § 3742 (a) and that such Notice of Appeal must be filed with the Clerk of this Court within fourteen (14) days of this date.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence:
March 10, 2010

s/ Joseph F. Bataillon
United States District Judge

March 10, 2010

PROBATION

The defendant is hereby sentenced to probation for a term of **three (3) years**.

The defendant shall not commit another federal, state, or local crime.

For offenses committed on or after September 13, 1994:

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with any additional conditions.

STANDARD CONDITIONS OF SUPERVISION

1. The defendant shall maintain its corporate status in Nebraska, and shall maintain all corporate formalities, including a registered agent;
2. The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. The defendant shall notify the probation officer at least ten days prior to any change in ownership of its shares or other corporate equity;
5. The defendant shall not do business with any persons engaged in criminal activity and shall not do business with any person convicted of a felony, unless granted permission to do so by the probation officer;
6. The defendant shall permit a probation officer to visit and inspect its premises and its business records at any time;
7. The defendant shall notify the probation officer within seventy-two hours of being questioned by a law enforcement officer, including representatives of administrative enforcement agencies charged with enforcing clean air and water standards; and
8. The defendant shall report to the United States Probation office for the District of Nebraska between the hours of 8:00am and 4:30pm, 111 South 18th Plaza, Suite C79, Omaha Nebraska, (402) 661-7555, within seventy-two (72) hours of being placed on probation and, thereafter, as directed by the probation officer.

SPECIAL CONDITIONS OF SUPERVISION

1. Dahlgren Cattle Company, Inc., will continue to work with the Nebraska Department of Environmental Quality (NDEQ) in monitoring and preventing discharges from the Concentrated Animal Feeding Operation (CAFO) onto the Cottonwood Wetland Protected Area (WPA). The United States Probation Office, alone or in conjunction with NDEQ, may monitor the situation.
2. Dahlgren Cattle Company, Inc., will continue to work with the NDEQ and allow both NDEQ and/or the United States Probation Officer unscheduled access at any time to monitor the company's compliance with any permits or with the order of this Court. Said access is allowed at any time, with or without advance notice to Dahlgren Cattle Company, Inc., and whether or not any shareholder or employee is present on the premises.
3. Dahlgren Cattle Company, Inc., shall comply with all requirements and provisions of the National Pollutant Discharge Elimination System (NPDES) permit including but not limited to notifying the NDEQ 24 hours after a discharge, submitting written notification within 7 days after a discharge, sampling analysis of the discharge, and applying livestock waste at a rate and in a manner that will not produce run off into the waters of the state.
4. Dahlgren Cattle Company, Inc., will develop an effective compliance program, in writing, that will eliminate the risks of violating the National Pollutant Discharge Elimination System permit. The compliance program will be made available for review and approval by the NDEQ and the U.S. Probation Officer. The compliance program will include formal training by training by Dahlgren Cattle Company, Inc., to employees delegated to operate the pumping operation. The training shall include review of the compliance program policy, provisions in the NPDES permit, and general procedures and warnings regarding waste run off into the drainage ditch and Cottonwood WPA. Dahlgren Cattle Company shall record and provide verification to the U.S. Probation Officer of the training date(s) and the names of the participants.
5. The defendant shall provide the probation officer with access to any requested financial information.

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in this judgment.

Total Assessment

\$125.00

Total Fine

\$12,000.00

Total Restitution

FINE

A Fine in the amount of \$12,000 is imposed.

The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options in the Schedule of Payments may be subject to penalties for delinquency and default pursuant to 18 U.S.C. § 3612(g).

RESTITUTION

No restitution was ordered.

SCHEDULE OF PAYMENTS

The defendant shall pay the special assessment in the amount of **\$125.00 immediately**.

The defendant shall pay a fine in the amount of **\$12,000.00**.

The criminal monetary penalty is due in full on the date of the judgment. The defendant is obligated to pay said sum immediately if he or she has the capacity to do so. The United States of America may institute civil collection proceedings at any time to satisfy all or any portion of the criminal monetary penalty.

Any payments made on the outstanding criminal monetary penalty shall be applied in the following order of priority: special assessment; restitution; fine; and other penalties. Unless otherwise specifically ordered, all criminal monetary penalty payments shall be made to the clerk of the Court.

All financial penalty payments are to be made to the Clerk of Court for the District of Nebraska, 111 S. 18th Plaza, Suite 1152, Omaha, NE 68102-1322.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

The defendant is restrained from transferring any real or personal property, unless it is necessary to liquidate and apply the proceeds of such property as full or partial payment of the criminal monetary penalty.

CLERK'S OFFICE USE ONLY:

ECF DOCUMENT

I hereby attest and certify this is a printed copy of a document which was electronically filed with the United States District Court for the District of Nebraska.

Date Filed: _____

DENISE M. LUCKS, CLERK

By _____ Deputy Clerk